

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**RACHEL HARRIS, GUARDIAN OF  
STEVEN JESSIE HARRIS**

**PLAINTIFF**

**V.**

**NO. 1:18CV167 M-P**

**CLAY COUNTY, MISSISSIPPI et al**

**DEFENDANTS**

**ORDER**

Defendants have filed a motion to take plaintiff Steven Harris' deposition for a second time, or, alternatively, to conduct a hearing in which issues concerning his competency to testify at trial and/or the admissibility of his first deposition testimony are considered. This court regards defendants' alternative request to be a reasonable one, and it will accordingly conduct such a hearing on March 6, 2023, which had been scheduled to be the first day of trial. In light of the complexity of the issues in this case, this court will instead use this date to conduct the competency hearing and to consider any other issues which, the parties believe, need to be addressed outside the presence of the jury. The jurors will be instructed to appear for trial on March 7, 2023. Defendants also request that, in light of concerns regarding Harris's competency, they be given a second opportunity to depose him, but this court agrees with plaintiff that this is a highly irregular request which would amount to granting defendants an improper second bite at the apple. This court will rule upon the admissibility of the original deposition following its March 6 hearing, but it can discern no good reason to conduct a second deposition at this late date.

In light of the foregoing, it is ordered that defendants' motion for miscellaneous relief [420-1] is granted in part and denied in part.

This, the 14th day of February, 2023.

/s/ Michael P. Mills  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI